

Atty. Dkt. No. 00CR156/KE

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 10, 14, and 16 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-12, 14, and 16-21 are now pending in this application.

In Section 1 of the Office Action, the Examiner objected to informalities in claims 10, 14, and 16. Claims 10, 14, and 16 have been amended based on the Examiner's suggestions. These amendments were previously presented in the Response filed on December 8, 2005, but were not entered. Entry of these amendments and reconsideration and withdrawal of the objections to claims 10, 14, and 16 is respectfully requested.

The Examiner rejection claims 1, 10, and 14 under 35 U.S.C. §102( as being anticipated by U.S. Patent Application No. to Krishnarajah et al. (hereinafter Krishnarajah et al.). This rejection was supported by arguments in Section 11 of the Advisory Action. Claims 1, 10 and 14 have been amended.

Claim 1 has been amended to recite file streams "wherein each stream is associated with a detected level of interference" Amended Claim 14 and amended Claim 10 recite similar language.

Krishnarajah et al., does not teach or suggest placing the important bits in one of the two streams having the higher quality of service level where in the quality of service level is

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determined based at least in part on a detected level of interference. Accordingly, all of the elements in independent claims 1, 10, and 14 are not taught or suggested by Krishnarajah et al. Reconsideration and allowance of claims 1, 10, and 14 is respectfully requested.

Claims 3-8 depend from claim 1 and include all of the limitations thereof. Claims 11-12 depend from claim 10 and include all of the limitations thereof. Claims 17-21 depend from claim 14 and include all of the limitations thereof. These claims are allowable for at least the same reasons as the independent claims from which they depend. Reconsideration and withdrawal of the rejection of claims 2-8, 11-12, and 17-21 is respectfully requested.

In Section 6 of the Office Action, the Examiner rejected claims 9 and 16 under 25 U.S.C. §103(a) as being unpatentable over Krishnarajah. Applicants respectfully traverse these rejections.

Claim 9 recites "a received signal quality is improved as much as 2dB to 5dB on noisy transmission channels without causing additional delays in the transmission." The Examiner stated that "it would have been obvious to someone skilled in the art to use the packet classification and unequal error protection teachings of Krishnarajah in order to improve the signal quality to some degree." However, the Examiner has not put forth any showing of a teaching or suggestion to improve the signal quality or any teaching in any reference of a need to improve the signal at this level. Accordingly, every element of claim 9 is not taught or suggested by Krishnarajah. Reconsideration and withdrawal of the rejection of claim 9 is respectfully requested.

Claim 16 recites that "the identified bits that are to be discarded include sounds beyond the range of human hearing or sounds overwhelmed by other sounds for audio transmissions, white lines or extremely fine detail within an image, white lines between lines of text on a page, and identically shaded pixels within an image." The examiner has not provided any teaching or suggestion showing that the above types of bits should be identified as less important. A general statement about dividing of payload data based on importance is not a teaching or suggestion of

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all possible divisions that could be performed. Accordingly, every element of claim 16 is not taught or suggested by Krishnarajah. Reconsideration and withdrawal of the rejection of claim 16 is respectfully requested.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

Date 3 Feb 2006By Nathan O. Jensen

ROCKWELL COLLINS, INC.  
400 Collins Road, NE  
M/S 124-323  
Cedar Rapids, IA 52498  
Telephone: (319) 295-1184  
Facsimile: (319) 295-8777  
Customer No. 26383

Nathan O. Jensen  
Attorney for Applicants  
Registration No. 41,460